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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION MDL No. 2804  
OPIATE LITIGATION

Case No. 17-md-2804

Judge Dan Aaron

This document relates to: Polster

The County of Cuyahoga v. Purdue  
Pharma L.P., et al.  
Case No. 18-OP-45090

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Videotaped deposition of
DONALD GEROME

November 14, 2018

9:01 a.m.

Taken at:

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1 A. I'm overseeing that right now.

2 Q. Sort of directly?

3 A. Yes.

4 Q. Okay. Within the responsibilities
5 that ordinarily would fall under Lieutenant
6 Sharpe, what is -- what is encompassed within
7 narcotics -- is it narcotics and K9 or is it
8 narcotics K9, one separate unit?

9 A. It's narcotics and K9. We have a
10 couple of K9 dogs assigned to narcotics.

11 Q. All right. And what's the -- what
12 are the principal responsibilities of the
13 narcotics K9 unit?

14 A. We have one assigned to the post
15 office task force. It's basically drug
16 detection with K9s. The other one is assigned
17 not only with us but with homeland security.

18 Q. I think we've talked about the
19 narcotics division. I'm trying to get a sense
20 of which, if any, of these other units within
21 the sheriff's department also touches on
22 narcotics-related issues. So SWAT, I think I
23 know what SWAT is. It's probably not quite like
24 the show on TV.

25 A. I've never seen the show.

1 Q. I haven't either. They advertise it
2 during football games.

3 Does the SWAT unit have any
4 responsibilities related to drug issues?

5 MR. BADALA: Objection to form.

6 A. I guess they do. If there's a
7 search warrant, they'll conduct the initial, I
8 guess, entering the home, make sure it's secure
9 before our detectives go in.

10 Q. How big is the SWAT unit?

11 A. I think we have 15, 16 members.

12 Q. Then next, under Lieutenant Sharpe,
13 is task forces.

14 A. Yes.

15 Q. What's encompassed within task
16 forces?

17 A. We have, as we mentioned, two
18 officers assigned to DEA. We have a deputy
19 assigned to HIDTA, which is another drug task
20 force. High Intensity Drug Trafficking Area I
21 believe is the correct title of it. We have
22 another detective, a deputy, assigned to NOLETF,
23 which is the Northeast Ohio Law Enforcement Task
24 Force. I mentioned the two K9s. And let me see
25 if -- and we do have a deputy assigned to --

1 with homeland security, and they do some
2 narcotics investigations.

3 Q. Who is -- I'm sorry.

4 A. No.

5 Q. Anything else within task force?

6 A. No. I believe that's it as far as
7 that falls under narcotics task forces.

8 Q. You told us who was the two assigned
9 to DEA. Who's assigned to HIDTA?

10 A. HIDTA.

11 Q. H-I-D-T-A, is that right?

12 A. Yes. Ben Meder.

13 Q. And how long has he been there?

14 A. When I became a lieutenant, he was
15 there, so I don't know how long before then he
16 was assigned. So it's been a couple years.

17 Q. Do you know -- how, if at all, do
18 you know what he's doing over there?

19 A. As of right now, I don't have daily
20 contact with him, so I don't know.

21 Q. Okay. Is there any -- is there any
22 sort of strategic communication between the
23 sheriff's department and that task force in
24 terms of making sure you aren't duplicating
25 efforts or getting in each other's way or

1 anything like that?

2 MR. BADALA: Objection to form.

3 A. There's constant communication with
4 our -- the supervisor sergeant from narcotics
5 and the detectives assigned to each area or each
6 task force. There's also -- HIDTA created a
7 deconfliction database, so if you are looking at
8 a suspect or investigating something, you can
9 look in that database, see if anyone else is
10 looking into the same thing.

11 Q. That's something that you have
12 access to at the sheriff's department, that
13 database?

14 A. If I wanted to, yes, I could have
15 access to it.

16 Q. Or folks within the narcotics
17 division have access to it?

18 A. Yes.

19 Q. Who's assigned to the NOLETF?

20 A. Mark Batone.

21 Q. How long has he been there?

22 A. The same deal. He was there before
23 I even became a lieutenant in the division.

24 Q. Okay. And who's assigned to
25 homeland security?

1 A. Anthony Edelman.

2 Q. And going back to -- is it Deputy
3 Batone?

4 A. Deputy, yes.

5 Q. Okay. How do you know what he's
6 doing with that task force?

7 A. It's the same thing with the deputy
8 from HIDTA. The supervisor, the sergeant of the
9 unit has contact with him and their supervisors
10 over there.

11 Q. Okay. And who's the sergeant in
12 your unit that you're referring to?

13 A. Currently right now, Sergeant Hirko.

14 Q. Okay. Same sergeant, Hirko --
15 Deputy Meder and Deputy Batone would report
16 occasionally to Sergeant Hirko as to what
17 they're doing?

18 A. Yes.

19 Q. All right. How about for Deputy
20 Edelman at homeland security? How, if at all,
21 do you know what he's up to over there?

22 A. Same thing. He reports to Sergeant
23 Hirko as well.

24 Q. Okay. Are there any of the other
25 units underneath -- well, starting with under

1 your block as captain -- that have involvement
2 with narcotics-related issues, besides -- we
3 talked about SWAT, we talked about task force
4 and we talked about narcotics K9.

5 A. Our impact unit, which is a vice
6 unit, does come in contact with drug activity, I
7 guess you could say.

8 Q. Who is in charge of the impact unit?

9 A. Sergeant Kozub is the immediate
10 supervisor.

11 Q. Okay. What's the primary mission of
12 the impact unit?

13 A. They're, I guess you can call it, a
14 catchall for the department. Like I said
15 before, they can do anything from assisting --
16 if you have a festival in your hometown, they'll
17 help with security for that, all the way up to
18 prostitution stings. They've done traffic
19 enforcement. They have assisted other agencies
20 with whatever they need. They're kind of -- if
21 you call the county and want some assistance or
22 resources, we ask those guys -- we task those
23 guys with doing it.

24 Q. Who within the sheriff's department
25 sets the priorities for the impact unit?

1 MR. BADALA: Objection to form.

2 A. I think it's a discussion between
3 the sergeant and it used to be Lieutenant
4 Sharpe.

5 Q. Okay. Any other of these units that
6 have involvement with narcotics-related issues?

7 MR. BADALA: Objection to form.

8 A. Well, the drop box, which is
9 incorrect. It falls under Lieutenant Sharpe,
10 too. But you see that under Lieutenant Smith.
11 They have involvement.

12 Q. Could you briefly describe for us
13 what the drop box unit -- is it a unit or --

14 A. We have -- it falls under the
15 evidence sergeant, but we have guys that are
16 assigned to our evidence that do what we call
17 the pill pickup program, so the drop box program
18 throughout the county. We have what looks like
19 a little mailbox called a drop box for
20 prescription pills, unwanted, people can drop
21 off. They're located at the -- usually the
22 police stations, so they're monitored. And we
23 have deputies assigned to go pick up the pills
24 from these drop boxes on a daily basis.

25 Q. Where do the pills go when they're

1 collected?

2 A. We store them in our evidence room
3 and then we destroy them.

4 Q. What kind of pills get dropped off?

5 A. All types of pills. I don't know.
6 I mean, exactly the type?

7 Q. Yes.

8 A. Mostly prescription bottles.

9 Q. But all kinds of prescriptions --
10 MR. BADALA: Objection to form.

11 Q. -- or what kinds of prescriptions?

12 A. I have not gone through them.

13 Q. When did the drop box program start,
14 if you know?

15 A. I don't know. It was there when I
16 became lieutenant.

17 Q. Okay. Outside of -- are there other
18 units within the sheriff's department that have
19 involvement with narcotics-related issues?

20 MR. BADALA: Objection to form.

21 A. I mean, I think any law enforcement
22 has come across narcotics issues, whether it be
23 somebody having something on them, either
24 entering a courthouse or, you know, a traffic
25 stop, something like that, but the people that

1 specifically investigate it are the ones we
2 covered.

3 Q. Okay. There's also medical director
4 on here. What does the medical director for the
5 sheriff's department do?

6 A. That's the jail medical director.
7 He oversees the medical dispensary stuff inside
8 the jail.

9 Q. Okay. And the director of nursing,
10 that's also for the jail?

11 A. Correct. And Marcus is no longer
12 there.

13 Q. Okay. All right. Great.

14 MR. BLOCK: Why don't we take a
15 break, if that's all right.

16 MR. BADALA: Sure.

17 THE VIDEOGRAPHER: Off the record,
18 10:02.

19 (Recess had.)

20 THE VIDEOGRAPHER: On the record,
21 10:16.

22 BY MR. BLOCK:

23 Q. Captain Gerome, I want to go back to
24 when you were promoted to lieutenant and then
25 assigned -- assignments were switched and you

1 were going to be going back to the narcotics
2 division as one of your responsibilities, so
3 that's 2014 at some point; is that right?

4 A. Yes.

5 Q. Okay. Did you get a -- did you get
6 any sort of briefing from anyone when you
7 were -- now the narcotics division was falling
8 under your supervision, as to what the narcotics
9 division was doing and how it was operating?

10 A. Yes.

11 Q. From whom?

12 A. Lieutenant Caraballo, who I was
13 switching places with.

14 Q. All right. How did that -- did you
15 get anything in writing in terms of what was
16 going on?

17 A. No.

18 Q. Just a face to face. How long did
19 that take?

20 A. I don't -- I think he probably
21 updated me on what was going on and, I mean, we
22 keep in contact. It's not like he was assigned,
23 you know, somewhere I couldn't get a hold of
24 him, but the meeting, I don't remember how long
25 that lasted.

1 Q. Does the sheriff's department have
2 any manuals of any sort that relate to how to
3 conduct a narcotic-related investigation?

4 A. No, not that I'm aware of.

5 Q. If I replace the word "manual" with
6 document, any piece of paper whatsoever that
7 relates to how to conduct a narcotics-related
8 investigation?

9 MR. BADALA: Objection to form.

10 A. Okay. I'm -- I'm not sure I
11 understand that.

12 Q. Sure.

13 Are there any documents at all
14 within the sheriff's department that deal with
15 how to conduct a narcotics-related
16 investigation?

17 MR. BADALA: Objection to form.

18 A. Not that I'm aware of, no.

19 Q. Do you know how many employees there
20 are within the sheriff's department?

21 A. No, I don't.

22 Q. Okay. We were talking about the
23 number of folks in the narcotics division and
24 you also testified a little earlier about your
25 thoughts that there should be more detectives

1 assigned to the narcotics division.

2 Do you remember that?

3 A. Yes.

4 Q. When you were talking about the
5 number of people within the narcotics division,
6 were you including within that count folks like
7 Detective Batone, who's assigned somewhere else?

8 A. No. I was specifically talking
9 about the detectives assigned in our division,
10 not task force officers, correct.

11 Q. I'm sorry?

12 A. Not the task force officers.

13 Q. You would count them separately?

14 A. I do.

15 Q. Okay. Does your department -- with
16 respect to narcotics-related investigations,
17 does the sheriff's department interact at all
18 with the Cleveland Police Department?

19 A. Yes.

20 Q. How so?

21 A. Again, deconflicting is what we call
22 it, and I guess if they need resources, we
23 provide them with the resources. If we need
24 something, they'll help us out.

25 Q. Deconflicting, how do you do that?

1 A. I mentioned the database that was
2 set up by HIDTA. Also, you know, detectives can
3 call each other.

4 Q. Do you have -- is there a
5 counterpart of yours at the Cleveland Police
6 Department in terms of having oversight for
7 narcotics-related investigations?

8 A. Counterpart, yeah. I have -- I talk
9 to Commander Gary Gingell, who oversees a lot of
10 their units as well.

11 Q. What do you and Commander Gingell --

12 A. It's pronounced -- everyone says it
13 different. It's G-i-n-g-e-l-l. So Gingell.
14 I've heard him be called jingles before.

15 Q. To his face?

16 A. Well, I haven't, but -- no.

17 Q. What do you and he talk about?

18 A. He's also in charge of SWAT over
19 there, so we go over resources for SWAT, and
20 then we also discuss, you know, how they're
21 handling their overdoses and stuff as well.

22 Q. Is that all -- do you guys ever
23 trade e-mails on these subjects?

24 A. I've -- he's part of an e-mail chain
25 with the medical examiner, so I've seen some of

1 his responses.

2 Q. Outside of that, do you guys e-mail
3 ever directly, one on one, you to Commander G?

4 A. We might have, probably just either
5 helping them out with an event or SWAT or
6 something like that. Yeah, I'm sure there's
7 e-mails in there with me and him.

8 Q. Are there any other local law
9 enforcement agencies that you, at the sheriff's
10 department, interact with as it relates to
11 narcotics investigations?

12 A. Me personally or our -- our
13 narcotics unit?

14 Q. Both.

15 A. Okay.

16 Q. Or either, I guess.

17 A. I've had a phone call or e-mail
18 conversations with some chiefs about our
19 overdose responses. Our detectives that respond
20 to the overdoses, they have a rapport with
21 agencies because they're responding to their
22 jurisdictions in conducting an investigation for
23 them or assisting with it, too.

24 Q. What chiefs do you recall having
25 conversations with, communications with?

1 A. Geez. The recent one I can remember
2 is Chief -- don't ask me how to spell this
3 either -- Scharschmidt from Parma Heights. We
4 talked about the investigations in his city.

5 There -- I can't remember the name.
6 There was a Parma -- I believe it was a captain
7 for Parma Police Department. We discussed their
8 role and our role in the investigations.

9 I think those are the most -- the
10 ones I can remember.

11 Q. What was being investigated in Parma
12 Heights?

13 A. We -- he -- I think he just became
14 chief. I think he was a captain. He had called
15 and asked, you know, how it all works as far as
16 us coming out and conducting an investigation if
17 there was a suspected drug overdose. I just
18 explained to him the procedure that we use as
19 far as calling out and detectives arriving on
20 scene and what they should do as a local
21 department to secure the scene.

22 And then I think we had one there,
23 and we did respond, but he -- he advised me at a
24 later time, I think on the phone, that they're
25 going to handle their investigations themselves,

1 just keep it within their jurisdiction. And I
2 think that was the last conversation I had with
3 him.

4 Q. Meaning that he didn't want the
5 sheriff's department coming to any future
6 overdose scenes in the City of Parma Heights?

7 A. He said his detectives were going to
8 handle the scenes.

9 Q. Okay. Well, let's talk about --
10 let's talk about those -- this would be "the
11 scene" being the scene of an overdose?

12 A. Yes.

13 Q. Do you remember specifically, this
14 one in Parma Heights, what the person had
15 overdosed on?

16 A. No, I do not.

17 Q. Okay. I guess, does it -- is it the
18 same general procedure that's followed
19 regardless of the type of overdose? You don't
20 know when you get the call what someone has
21 overdosed on, I assume, generally, usually?

22 A. The only -- there might be some
23 limited information in the alerts that are sent
24 out, but no. The detectives won't know until
25 they actually get there and survey the scene and

1 see what's going on.

2 Q. So let's walk through that process.

3 First of all, how does the sheriff's
4 department know -- how are you made aware that
5 there's an overdose or a potential overdose that
6 needs investigating?

7 A. So within Cuyahoga County, we
8 respond to certain municipalities, townships,
9 not all of them. Some like to do their own. So
10 if there is a suspected drug overdose, the local
11 police department will notify the medical
12 examiner. If it's -- a medical examiner will
13 put out an alert to -- there's a list of people
14 on the e-mail chain -- advising them that we
15 have a possible drug overdose. They'll give the
16 location, usually the age, gender of the person
17 involved, and then maybe a brief thing if there
18 is suspected drugs on scene or anything like
19 that.

20 Our detectives are all on that alert
21 as well as the supervisors. So in certain
22 jurisdictions, we are responsible for going and
23 helping out. We have detectives that are on
24 call for that, and they are assigned, you know,
25 vehicles to respond to that scene.

1 The locals are -- we kind of treat
2 it as a homicide scene now. So they secure the
3 scene like a normal homicide, with the tape and
4 everything like that, and our detectives will
5 show up and take over from there.

6 Q. Let me ask you a few follow-ups on
7 that.

8 First of all, how long has this been
9 something that the sheriff's department has been
10 responding to?

11 A. It was before I came -- became a
12 lieutenant, so I don't know the exact date it
13 started, but --

14 Q. And are we talking responding only
15 if there's been a -- I'm sorry. Is an
16 overdose -- is this always a fatality that
17 you're describing?

18 A. Lately, yes. Those are the ones we
19 respond to, yes. They're deceased.

20 Q. Okay. Are there ever times where
21 you respond to an overdose where the person is
22 not -- ends up not dying from the overdose?

23 A. Yeah. It has happened in the past.
24 We call it non-fatal. And with that, it's
25 usually the agency will probably request our

1 assistance. If it's a smaller agency that
2 doesn't have the resources, they'll reach out to
3 us for assistance. But yes, it has happened.

4 Q. And then you said a detective from
5 the narcotics division, I suppose, goes to the
6 scene?

7 A. We assign two detectives to go.

8 Q. Two. Okay. Why two?

9 A. There's multiple things to be done.
10 Sometimes even the supervisor will show up if
11 needed. There are certain responsibilities they
12 have at the scene.

13 Q. And what are the detectives supposed
14 to do at the scene? What's their mission
15 basically?

16 A. Collect evidence, photograph the
17 scene, interview any witnesses, gain whatever
18 intelligence they can from whatever neighbors,
19 family members, friends, whoever they -- you
20 know, whatever information they can get on the
21 scene, and they'll start their investigation
22 from there.

23 Q. What are they investigating?

24 A. Our main objective is to find out
25 who was -- sold the drugs to this individual and

1 try to go after them.

2 Q. Is there -- is there a standard --
3 is there some sort of -- is there a checklist
4 that the detectives have for when they're on
5 scene, here are the -- here's what we need to
6 look for or the questions we need to ask?

7 MR. BADALA: Objection to form.

8 A. I'm not aware of a document or a
9 checklist that -- they may have one of their
10 own. I don't think there's an official one that
11 was put out, but I think, like I said, they may
12 have something on their own they go off of.

13 Q. Is there any reporting obligation
14 that the detectives who respond on the scene
15 have? Do they have to write a report of what
16 they observed?

17 A. Yes, absolutely. Yes.

18 Q. Okay. Is that report -- is that on
19 a form or they can write it on a cocktail napkin
20 if they want?

21 A. No. We have a report management
22 system now, so everything is documented on that.

23 Q. What's the name of the management
24 system?

25 A. TAC, T-A-C.